

Hamilton Affordable Housing Trust
February 13, 2020
Memorial Room, Hamilton Town Hall, 577 Bay Road

HAHT Members Present: Chair Russ Tanzer, David Smith, Rosemary Kennedy, William Massos, and Marnie Crouch

Town Manager: Joe Domelowicz

Other Town Staff Present: Director of Planning & Inspections Patrick Reffett

Russ Tanzer opened the meeting of the Hamilton Affordable Housing Trust (HAHT) at 6 p.m. with a quorum present. He announced there'd be a hard stop at 7 p.m. due to another meeting starting then.

REVIEW MEETING MINUTES—JAN. 9, 2020

David Smith commented the notes were a good description of what had transpired.

Rosemary Kennedy made a motion to accept the Jan. 9 minutes. Mr. Smith seconded the motion. The Trust voted unanimously (5-0) to approve the minutes.

HABITAT FOR HUMANITY—ASBURY STREET UPDATE

Habitat for Humanity Director Don Preston gave an update on the Asbury Street affordable housing project and showed his plans. He said perc tests on the site showed the soil was good. He verified 20 bedrooms was the limit. He said Habitat had extended its option. He proposes 3 three-bedroom units and perhaps 1 or 2 one-bedroom units within the mix. He said the perc tests were done within the setback of the Town's conservation bylaws; however, they are going to approach the Conservation Commission (ConCom) to see if they might have a bit more flexibility with the septic as they are a friendly 40B developer. Depending on where they locate the septic system, they could perhaps have the ability to develop more units or have more of a mix in the sizes of the units and where they're able to place them. The one-bedroom units would be conducive to seniors, although there couldn't be any particular preference, such as for seniors, vets, or individuals with disabilities. Mr. Tanzer clarified that the range for the number of units was from 8 to 10 depending on how they were configured.

William Massos pointed out the Trust would prefer the most amount of units not less [to count toward the Town's SHI (subsidized housing inventory)]. He asked if they could have a bigger unit count by having a few one- and two-bedroom units. Mr. Preston said Habitat's model is generally for three-bedroom units. They don't generally like to do two-bedroom

units because they aren't large enough for families. Mr. Tanzer said they are looking at 10 units at about \$700K, which means the cost per unit is lower than what they'd originally discussed; but on the other side, the construction cost would jump with more units.

Mr. Massos noted that 6 three-bedroom units gets them to a total of 18 bedrooms and then they would be adding 2 one-bedroom units for a total of 20 bedrooms. He wondered if they could get more. Mr. Preston replied that the project is in Zone 2 and that limits the number of bedrooms. The Trust discussed that 40B doesn't bypass environmental issues.

Mr. Preston said the cell tower road would stay the same, but would be paved and have buildings along each side of it. The next step, he said, was to put down a \$35K deposit by mid-April, which he wanted the Trust to contribute. Mr. Massos asked if it were refundable. Mr. Preston said no, at that point they would be committed. The money goes into escrow. Former Trust member Marc Johnson, 6 Patton Dr., said they should note the money as going toward the project rather than toward the real estate (land deal). Mr. Tanzer said they would take a look at the documentation. He invited Mr. Preston to return in March to talk with them. Mr. Preston said he has walk-through set up to verify there is no Native American interest on the site. By the next meeting, he would like to see if the ConCom would give him the green light to conduct more perc tests. Mr. Tanzer asked if the goal was to close by year's end. Mr. Preston said "in the fall" was the goal. Mr. Massos added "with all the financing in place."

Mr. Johnson asked why the ConCom needed to give permission to perc past the cell tower. Director of Planning & Inspections Patrick Reffett answered that the site has some wetlands and the ConCom has jurisdiction. He explained Mr. Preston is requesting to follow State guidelines rather than Town guidelines. Mr. Johnson confirmed with Mr. Reffett that the ConCom could offer some flexibility to Mr. Preston if it so chose. Ms. Kennedy asked if the issue was that they wanted to infringe on the buffer zone. The Trust discussed that the State had one setback and the Town another. Mr. Preston said he would be speaking about that to the ConCom at their next meeting on Feb. 26. Mr. Johnson commented this is a perfect example of why the ConCom having purview is good because they have the opportunity to grant a waiver whereas if this were written as a bylaw, it would have to go to a higher authority. Ms. Kennedy said one can see it both ways.

Anna Siedzik, 227 Highland St., asked Mr. Preston if he could bypass the local bylaw if he wanted to. He said yes because it was a 40B, but it is a friendly 40B and he wouldn't want to put boards in conflict with each other. Mr. Tanzer said he thought that a sensible approach. Mr. Domelowicz said he will have the contract reviewed by the current Town Counsel.

REVIEW REVISED HOUSING PRODUCTION PLAN

Mr. Reffett said at the last Trust meeting there were a number of requests to have the Housing Production Plan (HPP) consultants modify the language to say there's a level of difficulty associated with the projects proposed in the plan. He asked the consultants to do that and they have. He sent the revisions out to the Trust and the Board of Selectmen (BOS) on Feb. 4. If the Trust approves the HPP, it advances to the BOS.

Mr. Massos noted there are even more issues to the having Winthrop School discussed as a potential housing site—for one, the school site was donated to the Town for the purposes of education and recreation (not housing). However, he said his issue with the HPP was more of a perspective issue in that the Town was stating it was pursuing things it actually wasn't pursuing. Mr. Reffett explained the State wanted a document with a list of potential projects. Some have difficulty associated with them, he said, especially the Winthrop School site, but they had incorporated language to that effect. Mr. Massos said he was more comfortable with the plan now that the changes were made and thanked Mr. Reffett.

Ms. Kennedy said for different reasons, she isn't comfortable with the HPP. She said she read the document and didn't see anywhere in the document that acknowledged the Town has an accessory apartment bylaw that allows every single family in Town to have an accessory apartment. Also, she didn't see any reference in the HPP that talked about mixed-use in Town. Mr. Reffett said he doesn't think it talks about it, but the Town certainly has mixed-use within the business district. He said the text does talk about duplexes, etc. She said she thought it gave a false impression because the Town can't provide for some of the different types of housing that some say it needs.

Mr. Reffett said the accessory housing bylaw was amended a couple of years ago and is now much easier to use. He said if a property owner wants to use it, they can through Zoning Board of Appeals (ZBA) and Planning Board approval. Ms. Kennedy said of course, but the plan doesn't highlight it, and it is a significant source for alternative housing.

Mr. Massos brought up that the accessory apartments transfer with the sale of the land to the new owner. He didn't think it would be a bad thing to include it in the HPP. It was then discussed that the bylaw falls outside of creating affordable housing because it doesn't create deed-restricted units. Mr. Tanzer asked how many residents have used the bylaw. Mr. Reffett said probably only about 10 in the last five years. Ms. Kennedy said it is available, though, but isn't in the plan.

Mr. Johnson said with regard to Ms. Kennedy's concern about the bylaw piece being absent from the plan—the HPP is part of the larger Master Plan, and recommendations don't always happen in the HPP because the Master Plan is more comprehensive. He gave some history of the accessory housing bylaw and said it was first thought of as a way to legalize the apartments in Town that already existed. Ms. Tanzer noted also that when an accessory apartment is added to a home, that adds another residence to the overall count of properties, which could perhaps make it harder for them to get to the 10% [percentage of affordable units needed to achieve safe harbor]. Mr. Johnson said they had tried to get people to create accessory apartments with deed restrictions, but people didn't want to go through all that. Ms. Siedzik added that the HPP was forward-thinking and not a summary of what happened in the past, so the omission wasn't really relevant to supporting what the plan was saying overall. Mr. Domelowicz discussed how meeting the goal of 14 units created an opportunity for safe harbor. Mr. Tanzer added that the HPP is a nonbinding document.

Mr. Johnson discussed that safe harbor was a goal, but there was no guarantee the State would give it to them, although he said the plan showed goodwill to the State. Mr. Domelowicz said if they can show they can produce the 14 units [the 10%], they would have a good chance with the State for safe harbor.

Ms. Kennedy said very few communities had a HPP. Ms. Siedzik said she'd heard that 100 had adopted them. Ms. Kennedy said that was out of 351 communities. She said she was concerned someone who wanted to do high density development could point to the plan and say it was what the Town's goal was, although she noted another part of the plan talks about the importance of preserving the character of the town. She said the plan might create pressure: because you've agreed to it, you have to do it. Mr. Reffett said he's never seen the State enforce that approach. She said she wasn't talking about the State, she was talking about the Town.

Marnie Crouch said she had spent time studying Governor Baker's Housing Choice bill. It hasn't passed but is being pushed, and she thought the HPP was a reflection of that. She said the bill's most dramatic change is that certain types of development could pass with a simple majority instead of needing a 2/3 majority vote. She noted development that's being implemented in towns far bigger than Hamilton.

Mr. Reffett said the HPP was a formula-driven effort and there's always been a need for affordable and reasonably priced housing in Eastern Massachusetts. Governor after governor have been supportive of seeing it happen, he said.

Ms. Crouch noted that while the bill pushes high density, it doesn't always address affordable housing. She said a criticism of it is that it is "one size fits all" and it is hard to see how this kind of density would work in a small town like Hamilton. Ms. Kennedy said it also pushes density to the downtown, and it's unfair to put all the burden on the downtown area residents and preserve the view for those on large estates outside of the downtown.

Mr. Smith said the HPP is an expression of the larger dynamic tension in Town between people coming here because of the open space and a desire that came through in the public sessions that the Town desperately needs more affordable housing and workforce housing. The plan expresses those competing forces and you see it right here on this board, he said.

Decision:

Mr. Smith made a motion that the HAHT endorse the Housing Production Plan (HPP), which was uploaded to the Town website on Jan. 19, 2020. Mr. Tanzer seconded the motion. The HAHT voted (4-1) to approve the motion. *Ms. Kennedy was opposed.

Ms. Crouch applauded Mr. Smith for "hitting the nail on the head" as did several others.

DISCUSS HOUSING CHOICE BILL

Mr. Tanzer said Ms. Siedzik had reached out to him earlier in the week to ask if the Trust might discuss Governor Baker's Housing Choice bill, which was first introduced in 2017

and has been working through the legislature for a couple of years. Mr. Tanzer said he had asked Ms. Crouch, who is a lawyer, to review it. He said he saw positive and negative with it.

Ms. Siedzik said she thought Ms. Crouch was right in that people who are only concerned about affordable housing might see how the bill could be misused. However, one of the main components—changing requiring a 2/3 majority down to only needing a simple majority—might be a way so things wouldn't get stalled, so it could have good effects for affordable housing and attainable housing. For example, she said cottage housing in Hamilton had passed by a majority, but not by a super majority, so it was defeated. She said while this isn't an affordability vote, it would have effects on other development. Passage of the bill would give more flexibility. She said the timing would be right to write a letter of support as it was currently in the State Ways and Means Committee.

Ms. Crouch said she didn't know if the other Trust members had had the opportunity to study the bill. She summarized that it allowed for mixed-use development in town centers, small accessory dwellings on the same building or lot, and a cluster of new developments. She noted some districts are oriented toward town centers around public transportation, but in Hamilton there's very little space. She noted the Cumberland Farms property might once have been a good site, but there aren't really any lots left of any size in the downtown.

Mr. Massos said another piece talked about the funding that's available. She said there were grants made that are independent of the enactment of the bill. Mr. Massos said if you are that type of developer, you have access to those funds, and if the Town was going to try and support development, they needed to find those people with access.

Mr. Domelowicz mentioned inclusionary housing payments, such as Canter Brook's, and how the Inclusionary Housing bylaw helped the Town.

Ms. Siedzik said her intention was just to introduce the bill as a topic for discussion not to make a decision on it. Mr. Tanzer concurred the information needs to be digested.

Mr. Johnson said if the bill is in Ways and Means, there's an opportunity for the Trust to provide input on what they like about it and what they don't, which might be useful in shaping the bill.

NEW BUSINESS

The following items were added to the next HAHT agenda:

- Update from the Hamilton Development Corporation on its Willow Street project.
- Update from the Gordon-Conwell Theological Seminary Task Force.

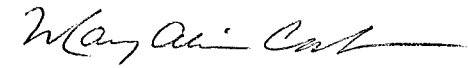
NEXT MEETING DATE

The next meeting was set for Thursday, March 19 at 6 p.m.

ADJOURNMENT

Mr. Tanzer made a motion to adjourn the meeting at 7 p.m. Ms. Kennedy seconded the motion. The HAHT voted unanimously (5-0) to adjourn.

Prepared by:



Mary Alice Cookson

4-2-2020

Date